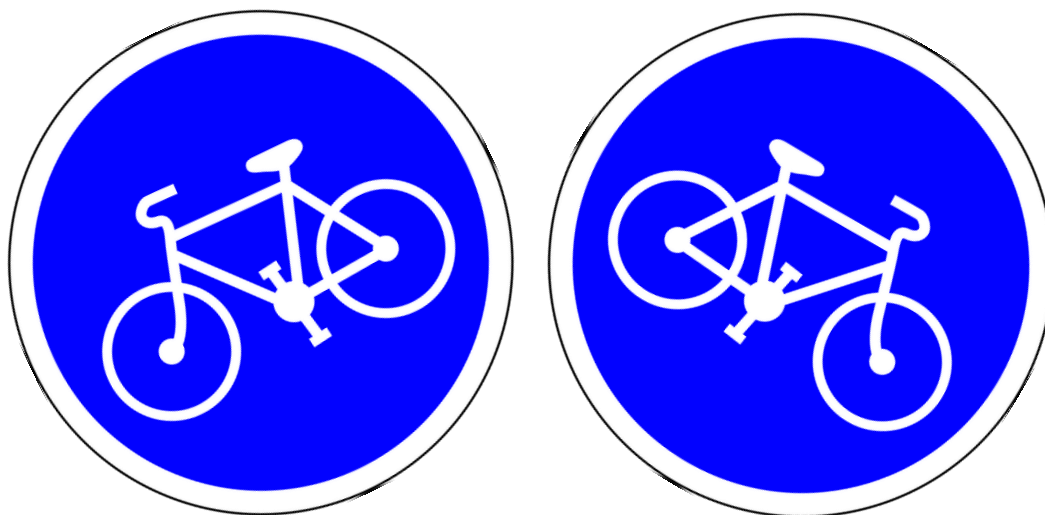


# Prospectus

## AN OPPORTUNITY FOR OUTFITTING AND GUIDING

### Bicycle Delivery and Outfitting & Guiding at Vail Pass



OFFERED BY:

USDA FOREST SERVICE  
WHITE RIVER NATIONAL FOREST

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P.O. Box 620, Silverthorne, CO 80498  
&  
Eagle/Holy Cross District  
PO Box 190, Minturn, CO 81645

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February, 2016

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# I. INTRODUCTION

The USDA Forest Service, White River National Forest, is soliciting proposals from interested parties to provide Outfitter and Guide services including bicycle and client delivery services to the top of Vail Pass with an option to provide the service of guiding bike riders on the paved bicycle path adjacent to I-70 for the Dillon and Eagle/ Holy Cross Ranger Districts. The Forest intends to authorize more than one special use permit and allocate up to a maximum cumulative total of 18,500 service days to selected applicants and retain approximately 1,500 service days for use in a priority use pool as a result of this offering.

This offering will allow individuals or organizations to provide transport of clients and bicycle deliveries to Vail Pass and to conduct outfitter and guide services on National Forest System lands only within the areas and along the paved bicycle routes described in this prospectus.

Some potential applicants desiring to provide commercial transport, bicycle delivery and outfitting and guiding services on Vail Pass have been authorized to provide these services on an annual basis for several years on the White River National Forest. This demonstration of competitive interest requires the issuance of a prospectus and evaluation of proposals to determine how the available permits will be allocated among competing applicants. Prospective applicants should also understand that capacity limits can limit a business's ability to grow and expand in the future. Opportunities for a business to expand under a special use permit will be dependent not only on the resource capacity, but also on the patterns and trends of both the outfitted and non-outfitted public and other natural resource issues in the future.

The Dillon Ranger District completed a District-wide outfitter / guide resource capacity analysis which assigned a maximum number of commercial parties per day that one could expect to encounter on each road or trail. Subsequently, in 2014, an outfitter and guide needs assessment was completed for the Vail Pass – Ten Mile Trail. Conclusions included:

- Though there is no reason to suggest that visitor use crowding or conflict would preclude the allocation of additional client service days to outfitter-guides, caution is in order.
- Allocation of additional client service days or issuance of new permits should not increase the number of groups an average participant expects to encounter during their visit.
- Bicycle-dependent activities have a higher need for services of outfitters and guides in comparison to hiking and skiing activities.
- Biking and shuttle service outfitter-guides have a moderate potential to enhance visitor experience and safety, reduce environmental impacts, and/or contribute to local economies.
- The demand for bicycle rental and shuttle service is demonstrated by the services that have been provided by local companies for the last several years.
- Approximately 20,000 commercial service days are available for commercial deliveries at Vail Pass. Up to 18,500 will be considered in this offering and 1,500 will be retained for a priority use pool that can be allocated annually to accommodate special circumstances.

The Forest Service manages for a wide variety of both commercial and non-commercial recreational uses. This prospectus is a means to allocate some commercial bicycle delivery Vail Pass Bike Drop Off Prospectus 2016

services to Vail Pass in order to provide opportunities to the public who may not have a bicycle available and/or means of getting to Vail Pass. It will also provide for services to Vail Pass from a variety of locations and will foster business competition and provide for economic development in adjacent communities. It is not anticipated that any non-commercial use by the public in the area would be adversely impacted by these services.

This prospectus is intended to solicit proposals from interested parties who intend to provide commercial bicycle delivery and outfitter-guide services on a recurring basis on Vail Pass (reference Appendix A: Vicinity and Area Maps). Bicycle delivery services must be provided, and bicycle guiding may be proposed. The objective in permitting this activity on National Forest System lands is to answer a public need, to provide for the health and safety of bike path users, to protect the resources, and to provide a quality recreation experience for the public.

Permits awarded by this prospectus may be authorized through a two-year priority special use permit which is considered as probationary, or a 10-year priority special use permit, depending upon the selected applicant's permit history. Probationary, 2-year priority permits may be converted to full priority permits and extended for an additional 8-year term after receipt of an acceptable performance evaluation after the probationary period. When the 8-year permit expires, a new permit may be issued for an additional 10 years without competition when the holder has performed satisfactorily. The decision whether to issue a new permit to a holder is at the sole discretion of the Authorized Officer.

The Authorized Officer for these permits will be the respective District Ranger (Dillon RD, or Eagle/ Holy Cross RD) and any permit authorizing use in both directions, as explained in this prospectus, will be delegated to the Dillon District Ranger.

All prospective applicants are advised to read this prospectus and sample special use permit (reference Appendix C: Sample Special Use Permit FS-2700-4i) carefully. There are a number of requirements for insurance, operations, and maintenance with which an applicant must comply. Permits will not be issued if, in the judgment of the Forest Service, a highly qualified pool of applicants is not available. The Forest Service reserves the right to reject any or all applications if the applications do not best serve the needs of the public.

All applicants must submit, in writing, a proposal that includes, at a minimum, the information listed under Section VIII. SUBMITTING THE PROPOSAL, below.

Applicants are advised to read this package carefully, including all Appendices, and discuss with agency contacts if questions arise. While this document contains descriptive information regarding the area and opportunity, proponents are responsible for making their own determination of economic feasibility, assessment of business opportunity, and fact-checking.

Any oral statement by any representative of the USDA Forest Service which modifies the conditions of this prospectus is an expression of opinion only and confers no special rights upon any applicant. In the event that a contradiction exists between this prospectus and the special use permit, the special use permit governs.

## I. HISTORY

Over the past ten years, several bicycle rental and transport companies in the Vail and Frisco areas began offering a shuttle ride to Vail Pass where customers could ride the rented bikes (mostly downhill) back to the rental facility. These companies also provided transport for clients who wished to ride their own bicycles. At the time, it was determined that because the Vail Pass drop off point and most of the paved recreation path was within the Colorado Department of Transportation (CDOT) I-70 easement, it was assumed a Forest Service permit was not required. The interpretation was that CDOT held management responsibilities for the area and CDOT did not require any permit, therefore some rental companies operated for several years without a permit and built largely viable businesses around this use.

As a result of increasing use of the paved recreation path and mounting public comment regarding commercial deliveries to Vail Pass, the Forest Service reconsidered the previous interpretation of policies and after extensive review determined that commercial delivery of rental equipment, including bicycles, on National Forest System lands at Black Lakes and within the easement corridor of Interstate-70 and use of the recreational bike path outfitter and guiding activities between Vail and Frisco was an activity that required a special use permit from the Forest Service. This determination is supported by CDOT.

A permit is required when individuals or organizations are conducting outfitting and guiding activities or services for gain on National Forest System lands. Forest Service Handbook 2709.14, 53.1.g states, *"Outfitters based off National Forest System lands who rent and deliver equipment or livestock to the public on National Forest System lands shall obtain a permit if they, their employees, or agents occupy or use National Forest System lands or related waters in connection with their rental programs."*

Regulation: CFR 261.10(c) – *The following is prohibited: selling or offering for sale any merchandise or conducting any kind of work activity or service unless authorized by Federal law, regulation, or special use authorization.*

In 2011, the local companies who had built successful businesses were advised of this policy and were issued temporary permits on an annual basis until capacity and public safety issues could be analyzed. All companies were advised that there was no guarantee of receipt of a long-term permit in the future. That analysis process is now completed and the Forest is prepared to issue a prospectus and accept proposals for this service.

## III. GENERAL DESCRIPTION OF AREA

Central Colorado has become a destination mecca for bicyclists from around the nation who are often attracted to the resort towns adjacent to the Forest. Communities within the Forest and along the Front Range are promoting bicycling for tourism reasons and economic stability. The Forest Service recognizes the unique opportunity that these facilities provide for bicycle deliveries due the natural beauty of the surrounding mountains, ease of access, relative low operations and maintenance costs to the FS, proximity to resort based communities and the large population along the Front Range of Colorado.

Uses offered will be limited to the Black Lakes parking area and the Vail Pass / Tenmile Canyon Paved Recreation Paths. The Vail Pass paved trail begins at the Forest boundary on the west end near Gore Creek Campground near the terminus of Bighorn Road, follows what was once Highway 6 over Vail Pass and ends at Copper Mountain resort on the east end. (See Appendix A. Vicinity Map). The Tenmile Canyon paved path runs between Copper Mountain and Frisco, Colorado.

The season is normally from Late-May to Early-October. Use of the bike path becomes possible after snowmelt has finished. In years of heavy snows or late snowmelt, the path may close in September and not be available in springtime until well into June.

## **IV. BUSINESS OPPORTUNITY**

### **Authorized Use**

This prospectus is soliciting use on White River National Forest lands administered by the Dillon District and the Eagle/Holy Cross District. No use of private land or other lands, including federal, state or county lands can be authorized under the special use permit(s) being solicited by this prospectus. Any special use permits issued by this offering will be administered by each respective Ranger District.

The Forest Service is seeking applications for authorization to use National Forest System lands, requiring no permanent structures or development on public land. The major objective of this offering is to furnish high quality public services in the form of safe delivery of rental and privately owned bicycles and the transporting of clients and optional guided bicycle trips at reasonable rates. Companies who have previously been issued 1-year, short-term special use permits for this activity during the 2013, 2014, or 2015 seasons are not guaranteed recipients of a special use permit through this offering.

Authorized use resulting from this offering will be considered “probationary-priority use” if a selected applicant has not previously been permitted for bicycle deliveries on the White River National Forest. These selected applicants will receive a 2-year priority permit that may be converted to “full priority use” if the holder performs acceptably for the first 2-years. If the holder receives an unacceptable performance rating at the end of the 2-year period, the permit will be allowed to expire and not renewed.

Selected applicants who have had previous 1-year permits for this activity at Vail Pass and who have performed acceptably may be issued a 10-year priority use permit or a 2-year probationary permit at the discretion of the Authorized Officer.

Priority use is assigned at the discretion of the Authorized Officer and shall be consistent with the White River National Forest Land and Resource Management Plan (LRMP). Priority use can be authorized for a period not to exceed ten years. The authorized use is based on the holder’s technical and financial capability, performance, LRMP, Forest Service Manual and Handbook direction and established capacity levels. When the permit expires, a new permit may be issued without competition when the holder has performed satisfactorily. The decision whether to issue a new permit to a holder is at the sole discretion of the Authorized Officer.

Use is assigned by “service days” and/or “quotas” that are listed on the face of the permit. A service day is defined as an allocation of use constituting a day or any part of a day on National Forest System lands for which an outfitter or guide provides services to a client. The total number of service days is calculated by multiplying each service day by the number of clients on the trip. Any period of time when individuals/clients are on National Forest System lands and under the direction, care, or tutelage of an outfitter-guide will be counted as part of the total number of service days for fee calculations.

Each selected applicant will be required to pay a fee for the use of National Forest System lands. The fee will be based on Option B (3% of gross revenues), as described in the FS-2700-4i, section IV. PERMIT FEES AND ACCOUNTING RECORDS. (See Appendix C. Sample Special Use Permit).

The following will be awarded to the successful applicant(s). The same applicant(s) could be selected for one or more offerings under a single authorization.

- A.** A permit will authorize delivery of bicycles and transport of clients who plan to ride west toward Vail, Colorado or beyond;
- B.** A permit will authorize delivery of bicycles and transport of clients who plan to ride east toward Frisco, Colorado or beyond;
- C.** A permit will authorize delivery of bicycles and transport of clients and to provide a guide(s) who accompanies the clients on their ride west toward Vail, Colorado or beyond; and/or
- D.** A permit will authorize delivery of bicycles and transport of clients and to provide a guide(s) who accompanies the clients on their ride east toward Frisco, Colorado or beyond

### **Trip and Parking Requirements**

A maximum of group size of 14 bicycles/clients plus 1 guide (if applicable) per trip down either side of Vail Pass will be authorized. This is referred to as a trip “quota”. A “client” will be defined as anyone not employed by the outfitter, such as guides, staff, and/or drivers. These specified individuals are not counted in trip size unless otherwise specifically stated below.

Additionally, each permit holder will be limited to a second quota of a maximum of 28 bicycle/clients drop-offs per trip window. A trip window is considered a 1-hour time frame. (e.g. 11:00 am, 12:00 noon, 1:00 pm, etc.). Should more than 14 bicycles/clients be dropped off during a single trip window, the group must be split up so as to not allow any group larger than 14 clients plus 1 guide (if applicable) to ride down the recreational trail at one time. Requests for group sizes larger than 14 bicycles/clients will typically be considered as a recreation event requiring an additional permit and /or prior written approval by the Authorized Officer.

All clients and bicycles shall only be dropped off in the designated area of Black Lakes parking lot to the south and west of the I-70 overpass. Drop-off is prohibited anywhere in the designated rest area, on off/on ramps of I-70, or anywhere along the I-70 shoulders. (See map in Appendix A).

Permit holders will NOT be authorized to drop off at Vail Pass during the specific times scheduled for large significant recreation events that occur on the Vail Pass recreational path.

Vail Pass Bike Drop Off Prospectus 2016

Examples include events such as the Triple Bypass, USA Pro Cycling Challenge and others. These dates will be sent to all permittees.

The resource capacity analysis done by Dillon RD set a maximum group size of 15 total people as the size one would expect to encounter at any time in that area. Additional requirements are included in the Operating Plan. (See Appendix E)

### **Prohibited Services**

Only single or double seat (in-line) bicycles and associated equipment are authorized. Two wheeled trailers such as Burleys are NOT authorized. Tag-A-Long bikes which attach at the seat post and make a single-seat bike into an in-line tandem are acceptable.

No deliveries of any equipment except bicycles and associated safety gear will be authorized. Delivery of long boards, skate boards, roller blades etc. will not be permitted. Any deviation of this must be approved by the Authorized Officer, in writing, prior to the activity or delivery occurring.

Only activities described in this prospectus will be authorized. Sales of sundries, products or other services will not be authorized through this special use permit, including still photographs or filming of any kind.

Commercial video and most commercial still photograph requires a separate special use permit. If companies wish to include filming or still photography; or are considering contracting with a third party to conduct filming, a separate commercial film permit would be required, regardless if the outfitter/guide is providing the footage to clients as a service or using footage for advertising.

## **V. MAXIMUM NUMBER OF SERVICE DAYS AND PERMITS TO BE CONSIDERED**

The objective is to select the applicant(s) whose proposal best meets the public need, provides a quality service, fosters some level of business competition, meets the intent of the terms and conditions of the permit and operating plan, remains within the Forest Service's existing staff's administrative capabilities, and provides an equitable return to the government. The primary basis for selecting the best qualified applicant(s) is the demonstrated technical and financial capability to provide high quality outfitting and guiding services to the public for bicycle deliveries and guided trips, as applicable, in a safe manner, but other factors must also be considered.

There is a need for a sufficient number of outfitters or service days (user days) to meet the demand for the use. The Dillon and Eagle/Holy Cross Ranger Districts have never received comments or concerns from a visitor who could not find an outfitter to transport them and a bicycle to Vail Pass. The Forest Service has determined that the existing number of outfitters and allocated service days (SD) are meeting the public need at this time.

In addition to having the technical and financial ability to provide a quality product, the maximum number of successful applicants will be determined by the cumulative number of SDs included



in all proposals up to the approximate number of SDs currently under permit and may be further limited by the administrative capability of the two ranger district staffs. The total number of allocated SDs permitted annually during the past three years has been 18,591.

The actual use has been approximately 16,000, annually. Some of the exiting outfitters have been exceeding their allocation and have requested additional SDs; others have not used many of their allocated SDs. A cumulative total of 20,000 service days for commercial use are within the capacity of the paths. 18,500 SDs are being offered as priority use SDs while retaining up to 1,500 SDs to create an opportunity for a priority use pool of SDs to be used for any unique circumstances that may arise though out the operating season.

It is also desirable to have a variety of different permit holders to provide some level of competition; to provide a variety of services (e.g. varying group sizes, transport and delivery only or transport, delivery and guided rides); and to provide services for both the east and west sides of Vail Pass to the different population centers on either side of the pass. **Applicants must understand that the maximum use that you request may not necessarily be what is ultimately approved.** Proposals should include realistic requests for *only* the user days that you have the capacity to provide or expect to use. Forest Service directive FSH 2709.14, sec 53.1n requires that periodic reviews be conducted and those permit holders who fail to use the days authorized will have the unused days removed from their permit.

Each proposal should also include a minimum number of service days you would be willing to accept. The Forest Service will evaluate the number of days proposed by each applicant and may reduce the number authorized in order to allow for additional outfitters who provide different services and some level of business competition.

Ultimately, the number of applicants selected will need to provide quality public service; allow for sufficient competition; provide for variety of trip options; trips from a variety of locations to the top of Vail Pass; provide sufficient return to the government; and be manageable by exiting special uses staff.

## VI. SPECIAL CONDITIONS AND RESERVATIONS

1. All applicants have an equal opportunity to apply. Except for members of Congress, resident commissioners, and current Forest Service employees, any individual or entity may apply.
2. The Forest Service cannot guarantee a profitable operation to the successful applicant(s). Applicants are responsible for reviewing the prospectus and making their own determination concerning business viability. Applicants are responsible to make their own estimates of costs on the basis of their proposals. The following is a partial list of expenses which applicants can anticipate. Additional expenses are likely.
  - Cost Recovery fees;
  - Insurance (liability, auto);
  - Vehicle identification, licensing and maintenance;
  - Fee to the Forest Service (service day fees and assigned site fee);
  - Applicable federal, state and local taxes, licenses, fees or charges.

3. Only those activities identified on the first page of the special use permit will be authorized. The sale of any goods or commodities on National Forest will be allowed only if enumerated in the proposal and approved by the Forest Service.
4. Proposals for environmental education or interpretive services may be considered.
5. The Forest Service will select the application(s) that offers the best value to the government. The Forest Service is not obligated to accept the proposal(s) with the highest return to the government. The Forest Service reserves the right to issue the permit(s) on the basis of a trade-off between the fee to the government and technical merit. The objective is to select a proposal(s) which will best serve the public need.
6. Companies or corporations submitting proposals must sign, using the name of the appropriate executive officer, together with proof of the officer's authority to sign, and the official address. An individual must sign his/her name and furnish the address of his/her place of residence or business.
7. An annual performance evaluation will be prepared at the end of each operating season by the authorized officer, or their representative, and will be reviewed by the permittee. This evaluation will be based on periodic inspections, public comments, and compliance with the terms and conditions of the special use permit and operating plan. An unacceptable rating may result in probationary status or could be cause for suspension or revocation of the special use permit. A sample performance evaluation form is included in Appendix D.
8. The Forest Service reserves the right to select the successful applicant(s) based solely on the initial application, without oral or written discussions.
9. The Forest Service reserves the right to reject any or all applications.
10. The Forest Service reserves the right to rescind this prospectus at any time before a special use permit is issued.
11. Any oral statement made by a representative of the Forest Service shall not modify the requirements of this prospectus. If it is determined that an error or omission has been made, or additional information is required, a written amendment will be sent to each person/entity receiving a copy of this prospectus.
12. In the event that a contradiction exists between this prospectus and the special use permit, the special use permit terms will supersede the prospectus.
13. The information contained in the application package may be kept confidential only to the extent permitted under the Freedom of Information Act (5 U.S.C. 552) and Privacy Act (5 U.S.C. 552a).

## **VII. PERMIT AND OPERATIONS**

### **Authorities**

Outfitter and guide activities are authorized by special use permits issued under the Federal Lands Recreation Enhancement Act, 16 U.S.C. 6802(h), and implementing regulations at 36 CFR part 251, Subpart B; and 36 CFR 214.

In addition, there are certain Forest Service programs and policies that are applicable to outfitter-guide operations. They apply to all applicants and are non-negotiable. All applications shall be consistent with these requirements.

Outfitter-guides should become familiar with the Code of Federal Regulations (CFR) and regional and forest orders. Closure orders may be implemented at any time, and permit holders must comply. A list of current Supervisor's Orders may be found at the following website: [www.fs.usda.gov/whiteriver](http://www.fs.usda.gov/whiteriver)

### **Special Use Permit Requirements**

If your proposal is selected and you are awarded use on the White River National Forest, the final step before you are authorized to operate is to obtain a special use permit. A sample special use permit can be found in Appendix C.

The selected applicant(s) will be responsible for the following requirements:

- A. Final Operating Plan.** The selected applicant(s) will be required to develop an annual or a 5-year operating plan, dependent of permit, which will become a part of the special use permit upon approval by the Forest Service, which must occur prior to starting any operations, but no later than March 15, annually. A sample operating plan can be found in Appendix E.
- B. Insurance.** The selected applicant(s) will have in force commercial general liability insurance covering bodily injury and property damage in the following amounts: Insurance must have at least \$25,000 property, \$500,000 death or injury per individual, and \$500,000 death or injury to more than one individual for split limit policies; or \$500,000 for combined single limit policies. The coverage shall extend to property damage, bodily injury, or death arising out of the holder's activity. **In addition, the insurance must indemnify the United States against any liability for damage to life or property and state that the "US Government" and the "Colorado Department of Transportation" are additionally insured.** Within 30 calendar days following the District Ranger's notification that an applicant has been selected, a copy of the entire insurance policy and certificate of insurance must be furnished to the District Ranger, or designated representative, at the following address: White River National Forest, Dillon RD, P.O. Box 620, Silverthorne, CO 80498; or White River National Forest, Eagle/Holy Cross RD, P.O. Box 190, Minturn, CO 81645.
- C. Law and Regulations.** The selected applicant(s) must observe and abide by all federal and state regulations dictating lawful and authorized use of public lands. Applicants must disclose any and all prior infractions of federal and state regulations in regard to this business opportunity.
- D. Advertising** The selected applicant(s) must provide a brochure, if used, which advertises current rates and services offered. The fact that the outfitting and guiding is occurring on the White River National Forest and operates under a special use permit must be included in all advertisements, including, but not limited to, all signs, brochures, radio or television verbal announcements, any written documents, and electronic advertising, including, but not limited to, websites on the Internet.

A nondiscrimination statement must also be included in all written documents, including, but not limited to, all written documents, brochures, forms, websites, and advertising.

- E. Non-Discrimination.** Permit holders will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The permit holder and his/her employees shall not discriminate by segregation or otherwise against any person on the basis of race, color or national origin by curtailing or refusing to furnish accommodations. The holder will be required to display signs setting forth this policy of non-discrimination (provided by the Forest Service) at the public entrance to the premises, and at other locations as directed by the Forest Service. The holder will be required to participate in any "Title VI" reviews with the District and sign a non-discrimination assurance statement prior to operating. Print and online advertisements must identify the holder as an equal opportunity provider.
- F. Fees.** For this offering, the selected applicant(s) will be required to use a fee system referred to as Option B on the FS-2700-4i permit form as the method of calculating the fee for commercial use. Additional information on this fee system follows.

Option B. – The fee is based on three (3) percent of the annual adjusted gross revenue, minus any applicable adjustment for use off National Forest System land

In calculating the fee for Option B, the amount may be reduced, based on the percentage of time the customers occupy National Forest System (NFS) lands and waters in relation to the total duration of the outfitted trip. In order to receive this reduction, the holder must provide trip duration, itinerary, or such other information as may be specified by the authorized officer to support a request for a fee reduction based on use off of National Forest System lands. (See Appendix H. Estimated and Actual Use Report form).

Percentage on NFS Lands	Fee Reduction
Less than 5 percent	80 percent
5 to 60 percent	40 percent
Over 60 percent	None

Off Forest discounts of fees may apply to this offering as follows:

For purposes of off-Forest Discounts with Vail Pass Bike Deliveries, the discount only applies to the actual distance portion of the trip when clients are engaged in the activity for which they are paying; e. g. riding bicycles. **Time or mileage spent riding in a delivery vehicle DOES NOT count toward the Off-Forest Discount.** Applying for an off-Forest discount is not required. However, if a holder does apply for this credit, they will be solely responsible for all record keeping necessary to verify it.

**Example 1:** A van picking up people in Breckenridge and delivering bikes and clients to the top of Vail Pass, then picking up the bikes/clients in Frisco 3 hours later and driving them back to Breckenridge would not qualify for a discount because over 60% of the bike ride distance from Vail Pass down to Frisco is on National Forest for the activity they're paying for.

**Example 2:** A van picking up people in Breckenridge and delivering bikes and clients to top of Vail Pass and then the clients ride their bicycles all the way back to Breckenridge qualifies for a 40 %

discount because only 15.69% of the total bike ride distance is on National Forest for the activity they're paying for.

<b>Bike Ride Route</b>	<b>% of trip on Forest</b>	<b>Fee Reduction</b>
<b>Rides Traveling West</b>		
Vail Pass to East Vail	82.14%	No Discount
Vail Pass to Main Vail	65.71%	No Discount
Vail Pass to West Vail	53.49%	40% discount
Vail to Minturn exit	48.42%	40% discount
Vail Pass to Minturn	43.81%	40% discount
<b>Rides Traveling East</b>		
Vail Pass to Copper Mountain	72.73%	No Discount
Vail Pass to Frisco	75.76%	No Discount
Vail Pass to Silverthorne	61.36%	No Discount
Vail Pass to Dillon	67.50%	No Discount
Vail Pass to Breckenridge	15.69%	40% discount

The 2016 minimum fee for outfitting/guiding use is **\$140.27**.

An assigned site fee for use of the Black Lakes Parking area will also be assessed annually. The 2016 minimum fee for an assigned site is **\$210.00**.

- G. Record Keeping.** The selected applicant(s) will be required to provide the Forest Service an estimated use and revenue record at the start of each season for an estimated use billing. The permit holder will annually furnish the following actual use information **for each trip** within 30 days of the end of each season to track use patterns and to determine the final annual fee: date, end-of-trip pick-up location (if an off-forest discount is requested) , group size, whether it was a guide trip or not, and adjusted gross income. The Forest Service will provide permit holders with copies of the use record forms that will be used for reporting the requested information. The report must be certified (signed) by the holder as complete and accurate. Failure to submit timely use reports may lead to an unacceptable performance evaluation and may be cause for revocation of the permit. All original records of use, by date, trip, fee, and number and name of persons, must be retained and readily available for inspection for the most recent five years. (See Appendix H. Estimated and Actual Use Report form).
- H. Equipment and Employee Identification.** The selected applicant(s) will be required to mark vehicles and bicycles with the company name or insignia. All employees must be easily identifiable as an employee of the company when working on National Forest. This may be through jackets, caps or some other means of readily visible identification.
- I. Customer Service Mission.** The mission of the Forest Service is to sustain the health, diversity, and productivity of the nation's forests and grasslands to meet the needs of present and future generations. Permit holders who operate on National Forest System land on behalf of the Forest Service are expected to assist in achieving this mission. The customer service aspect is central to the outfitter-guide operation.

The permit holder will need to develop and implement methods and mechanisms for responding to customers' needs in a helpful and professional manner, giving timely and courteous information and assistance, manage varying levels of skills and abilities of clients and doing those things necessary to ensure that customers have a safe and enjoyable stay on their national forest.

As part of a continuing effort to better serve the needs of the customer, the Forest Service reserves the right to conduct random use counts and surveys and to converse with visitors on-site, regarding the service they are receiving. Such surveys may be used for ongoing monitoring, as well as part of the permit holder's annual performance evaluation.

## **VIII. SUBMITTING THE PROPOSAL**

Applicants are strongly encouraged to visit the site at least once before submitting an application (reference Appendix A: Vicinity and Area Maps).

All applications for a special use permit to provide outfitting and guiding services on the White River National Forest will be accepted by mailing completed proposals to:

DISTRICT RANGER  
Dillon Ranger District  
ATTENTION: OUTFITTER/GUIDE PROPOSAL ENCLOSED  
c/o Jackie Brown  
P.O. Box 620  
Silverthorne, CO 80498

### **Electronic application packages will NOT be accepted.**

Applications must be postmarked or received at the District Ranger's Office no later than 4:30 p.m., Mountain Time, on **Friday, April 1, 2016**. Please ensure that all requested items are submitted. Incomplete proposals could adversely affect your chances for selection. Proposals submitted after this date will not be considered. Material submitted with proposals may not be returned unless specifically requested.

This applicant warrants that no person or selling agency has been employed or retained to solicit or secure acceptance of his or her bid under this invitation upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except a bona fide employee or bona fide established commercial selling agency maintained by this applicant for the purpose of doing business. For breach of this warranty, the Government shall have the right to annul any award under this invitation without liability, or at its option to recover from the applicant the amount of such commission, percentage, brokerage or contingent fee in addition to the consideration herein set forth.

Prospective bidders must summarize the service day amounts and locations being requested by completing the Bid Package Cover Sheet (Appendix J). Bidders must also further explain delivery and potentially guided offerings/proposals through submission of a Proposed Operating Plan and other applicable bid package documents.

Applicants must submit five (5) complete copies of their application package and supporting documents. Five (5) copies of the business plan must be submitted as a separate package.

Applications must be in sealed envelopes and must be signed by an authorized officer of the organization or individual submitting the application. The information is subject to verification by the Forest Service and additional supporting data may be requested.

Applicants must include information about their organizational structure, the entity's legal name as recorded with the Secretary of State, mailing address with zip code, telephone number, FAX number, and e-mail address, designated agent, evidence of incorporation and good standing, if applicable, and name and address of each affiliate of the applicant. The person signing for an entity must have authority to sign for that entity.

Applicants that are partnerships, limited liability companies (LLC), associations, or other unincorporated entities must provide the names and interests of the company's principals; submit a certified copy of the partnership agreement or other documentation establishing the entity or a certificate of good standing under the laws of the state where the entity is located.

Submit separate sealed applications for:

- Delivery of bicycles and clients and, if applicable guiding trips, that ride east toward Frisco, Colorado or beyond;
- Delivery of bicycles and clients and, if applicable guiding trips, that ride west toward Vail, Colorado or beyond.

### **Proposal Required Information**

To be considered, the application package must be in writing and provide the following:

1. **Completed Bid Package Cover Sheet and SF-299 Special Use Permit Application.** Use the forms enclosed as Appendix J and K.
2. **Operating Plan Proposal.** Use the required Operating Plan template to fully describe, in detail, how you will operate your outfitting and guiding service (reference AppendixD: Operation Plan template). Your application should include a thorough and complete Operating Plan that at a minimum addresses the following:
  - ✓ *Types and kinds of trips proposed to be offered and proposed rates for a minimum of two years.* Fully describe your proposed trips and how you propose to operate them, not to exceed the maximum 28 client/delivery quota. If you are applying for guiding trips\* along with transport and deliveries, also describe how you propose to operate the guided trip, including your maximum client : guide ratio as well as your minimum client : guide ratio. Include a description of the daily schedule of trip windows proposed, periods of use (midweek vs. weekends), and types of trips for varying levels of skills and abilities for all trips. Discuss procedures for transporting clients with privately owned bicycles as opposed to bicycles you will rent. Explain any variable pricing, discounts, and/or passes. Fees should be reasonable and reflect fair market value. The Forest Service reserves the right to regulate the rates charged to the public.

\*Accompanying clients away from delivery vehicles is considered guiding beyond just a delivery service and should be applied for as a delivery and trip guiding proposal

- ✓ *Customer service/guest relations.* Describe your customer service philosophy and services to be provided to your customers. Describe your proposal for providing customer services to diverse individuals, groups, families, organizations, institutions, etc. This would include advertising, outreach, reservations, meeting special needs, handling complaints, and trip evaluations. Provide an assurance of nondiscrimination. What methods do you use for conflict resolution in dealing with the general public? Describe your general knowledge of the area, nearby attractions, FS regulations and other information you will provide and how you will use that information to enhance client experience or to improve your overall operations.
- ✓ *Rental equipment.* Describe your proposal for the types and kinds of bicycles and accessories you would be using. Describe your procedures and schedule for inspections and repair of all equipment proposed for use in your operation. Include information on the bicycles and accessories now in possession, including their current condition, as well your plan for future replacements or up-grades. If intending to purchase equipment and/or accessories, describe what you would purchase and how you would purchase needed equipment to operate at full capacity.
- ✓ *Personnel.* Describe your proposal for hiring, including outreach, recruitment, and providing local employment opportunities. Describe the standards and qualifications for your guides and any other employees involved in the operations. Describe how employee training will be accomplished for actual trip guiding (if applicable), safety and emergency procedures, working with diverse clientele, public relations, and general communications. Describe how your employees will be identified as one of your employees when working on National Forest.
- ✓ *Health, safety, and bike path etiquette.* Applicants should describe their accident prevention program and the information that would be given to all clients, including safety talks, riding tips and techniques and proper trail etiquette. Procedures for handling emergencies or bicycle breakdowns should be described, along with safety gear and bike repair equipment that would be provided to clients for their ride (at a minimum, approved OSHA helmets must be made available to all clients upon request). Applicants should address the steps they would take to assist the Forest Service in maintaining the outstanding qualities of the natural environment along the bike trail system. Describe the methods for minimizing impacts along the bike path during lunch stops or photo stops, including garbage removal and sanitation. Describe how these methods would be shared with clients.
- ✓ *Base of operations.* Describe your proposal for the facilities you will use to meet your clients, where their personal vehicles will be parked during the trips, and how they will enhance the customer experience. Describe your method of taking reservations, accommodating walk-in clients, accommodating diverse user groups or groups of varying ages and abilities, and whether you will provide service for groups who may have their own bicycles. The special use permit issued for this outfitting and guiding operation does not include use of National Forest System lands as regular meeting and parking areas, other than temporary parking to off-load passengers and equipment. Applicants' proposals should address how this use will be accommodated on private or other public lands in the area.
- ✓ *Ground transportation.* Describe how ground transportation will be used to accomplish the trips. Include the kinds, types and numbers of vehicles (cars, bus, vans, etc.) you will use, trailers, vehicle capacities (persons & bicycles), driver licensing and operating



skills, and emergency communications. Describe your schedule and procedures for regular vehicle inspections. Describe how vehicles will be identified.

- ✓ *Optional services.* Describe your proposal for any optional services you intend to provide, such as interpretive services, information about the White River National Forest and land management, information about the area and its attractions or other activities, and customer service concept.

### 3. Experience and References

**Applicable Business Experience.** Include a detailed explanation of any experience relating to operation of an outfitting and guiding business and, more specifically, delivery services that have included bicycling activities. This information may be included as part of the Business Plan submittal. Information should address the following items:

- ✓ Dates, description, services provided, public served, location, and volume of business.
- ✓ Previously operated bicycling outfitting and guiding operations.
- ✓ Information regarding past performance, either through performance evaluations from agency representatives, customer survey reports, and/or letters of recommendation.
- ✓ Information demonstrating knowledge of the area, as well as educational and interpretive capacity.

**Business References.** Furnish at least **three business references** with names, addresses, and phone numbers in support of your business experience. Letters of reference are acceptable.

4. **Business Plan.** A business plan must be submitted with the written application (reference Appendix G for an option Business Plan template). Your Business Plan will be reviewed to assess your ability to have the financial and business capability to successfully operate and manage the proposed services. As part of your Business Plan, you must provide estimates for numbers of users and expected sales for at least the first 5 years of operation. The Business Plan should include proposed fees to the public, costs of equipment replacement and repair, advertising, all anticipated operational expense, employee expense, taxes, fees to the government, etc. Failure to submit a complete business plan will not allow us to make an equal evaluation among all proposals. Applicants can contact the SBDC for assistance in putting together a business plan. *Financial information is confidential and will not be released without the permission of the applicant.*

5. **Financial Information.** Proposals must include sufficient information to reasonably assure they have the financial capability of successfully operating the business proposed.

- I. Provide a complete set of all financial statements for the last three fiscal years that have been audited, reviewed, or compiled by a certified public accountant (CPA). Applicants must complete Form FS-6500-24, "Financial Statement," for certification as to the accuracy of the financial statements if the financial statements were only compiled by a CPA (reference Appendix E: "Financial Statement," FS-6500-24).

**OR**

- II. If financial statements have not been audited, reviewed, or compiled by a CPA for the last three fiscal years, submit a completed Forest Service Form FS-6500-24, "Financial

Statement,” for any fiscal year you were in business during the last three fiscal years for which an audited, reviewed, or compiled financial statement has not been prepared. Limited liability companies should list the name of the company in block 1, list the names and interests of the principals in block 5, list their members in block 6, and complete the certification in Part (D)(1) of FS-6500-24. Corporations or partnerships should also complete Part (D)(1) of FS-6500-24. Individuals should complete part (D)(2) of FS-6500-24. A sample “Financial Statement,” FS-6500-24, is included in Appendix L.

- III. In addition to any documentation provided under 5.I, and II, if you have not been in business for the last three fiscal years and, therefore, cannot submit audited financial statements and/or an FS-6500-24 for that period, submit three fiscal years of projected financial statements that are compiled by a certified public accountant using the forecast method.

Any financial information submitted by applicants shall conform to generally accepted accounting principles (GAAP) or other comprehensive bases of accounting. Any previously prepared financial documents that are submitted must be un-redacted and in their original form, including footnotes.

Applicants must show at least 25% of the first year's operating costs in liquid assets. Liquid assets are those assets which are readily converted to cash.

Financial statements are secured in confidence and are not public information. Applicants must state if they want their financial information returned to them.

**Fees to the Forest Service.** This offering only provides Option B (based on 3% of annual adjusted gross revenue) as the method of calculating the fee for commercial use.

**Cost Recovery Fee.** Applications submitted in response to this prospectus are subject to cost recovery pursuant to 36 CFR 251.58(c)(1)(ii) and (c)(3)(iii). Applicants must submit a processing fee of **\$75.00** with the application to cover the cost of the prospectus and review of the application. Payment is due upon submission of an application. Payments due the United States for this application must be paid in the form of a bank draft, money order, or cashier's check payable to the USDA-Forest Service. Payments will be credited on the date received by the designated Forest Service collection officer or deposit location.

Processing fees for the application are based upon the direct and indirect costs that the Forest Service incurs in preparing and issuing the prospectus and reviewing the application, evaluating the applicant's technical and financial qualifications and selecting qualified applicants. All entities or individuals who submit a proposal during the solicitation process agree to participate in a Cost Recovery Agreement.

Additional cost recovery fees may also apply for all administrative work that involves 50 or more hours to complete after selections are made through the solicitation process in order to process an application and includes labor and operating costs and any additional environmental analysis costs or site specific studies associated with the operation that leads to a special use permit. The cost of conducting environmental analyses of the effects of the proposed use, reviewing any applicant-generated environmental documents and studies, conducting site visits, making a decision on whether to issue the authorization, and preparing documentation of analyses, decisions, and authorizations for the application.

## 6. Additional Information.

A checklist of documents to be submitted with your application is provided in Appendix I.

To avoid unnecessary expense for the applicant, insurance policies, brochures, etc. should not be obtained until after an award is made.

## IX. AWARD

The Forest Service will only consider the applicant's written application package and any past performance information obtained by the Forest Service. An evaluation panel with experience in special use permits will evaluate each proposal. The panel will review, evaluate, and compare proposals using the selection criteria.

During the evaluation process, the evaluation panel may contact any references, including all federal, state, and local entities that have had a business relationship with the applicant. The evaluation panel may also consider past performance information from other sources. Applicants without prior infractions of state and federal regulations may be judged more favorably in rating the proposals.

After all proposals have been rated, the panel will recommend to the Authorized Officers which applicant(s) offers the best value to the government. The Authorized Officer has final selection authority to accept or deny the recommendations of the panel. The successful applicant(s) will be notified no later than May 1, 2016. All applicants will be notified of the successful applicant(s) via certified return receipt letter.

The selection of the successful applicant(s) is subject to administrative appeal pursuant to 36 CFR Part 214. Your appeal must be received by the Appeal Deciding Officer within 45 days from the date of the decision at the following address: Forest Supervisor, White River National Forest, 900 Grand Ave., Glenwood Springs, CO 81601.

### Evaluation of Applications

A Forest Service panel will use a non-fixed weighted value evaluation process to evaluate each application package using the selection criteria, whether the proposal meets, exceeds or does not meet the criteria; and professional judgment. They will review proposals independently and collectively. The selection will be based on the following evaluation criteria in descending order of importance, but not be limited to the following:

1. **Quality of Services.** Kind and quality of service proposed in terms of meeting public need as identified in the Operating Plan proposal. The Operating Plan should be thorough, complete and provide specifics about the services you will be providing and how your proposed operation will provide quality experiences for your customers. Please add any information to your response that you feel is pertinent to the evaluation criteria. (40%)

2. **Experience and References.** This includes experience and qualifications in operating delivery services, outfitting and guiding services, and/or experience in other related fields. This also includes the applicant and their staff's experience and qualifications that will help to meet the requirements of the activity as well as knowledge of the area and its attractions. This will include the business plan, experience, references, past permits issued by land management agencies, and evaluation of past performance information. (35%)
3. **Business Plan and Financial Information.** Financial capability and/or backing of the applicant to perform the required services and the demonstrated ability for the business to be successful (20%)
4. **Optional Services.** Educational programs, interpretive services or additional amenities proposed. (5%)

The Forest Service reserves the right to rescind the prospectus at any time before a special use permit is issued. If the Forest Service rescinds the prospectus, application fees will be returned.

### **Post-Selection Requirements**

Once an applicant has been selected, the following information must be submitted and approved by the Forest Service prior to issuance of a special use permit:

- ✓ A final Annual Operating Plan which must be submitted electronically in a WORD.doc format for efficient review and editing if necessary.
- ✓ Documentation of required liability insurance including copy of the entire insurance policy and certificate of insurance.
- ✓ List of employees and their current 1<sup>st</sup> aid /CPR certifications
- ✓ Required deposits and advance payments. (Refer to Appendix C: Sample Special Use Permit, Form FS-2700-4i, Clause IV, B).
- ✓ A state business license and any other federal, state, or local certifications or licenses that are required for the operation.

The successful applicant(s) will be required to submit all of these items within 60 days of the date of the selection letter. If the above requirements are not met within the 60-day period, a special use permit will not be issued. The applicant who provides the next best value to the government may then be selected for the special use permit, subject to the same requirements; or the assigned service days may be retained as part of a use pool at the discretion of the Authorized Officer.